IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13628 of 2004

Between:

Darji Kalavathi D/o Gyanoba, Aged 54 years,
Occupation: Agriculture, R/o Durki Village,

Birkur Mandal, Nizamabad District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Birkur Mandal, Nizamabad District
2 Revenue Divisional Officer, Bodhan, Nizamabad District
3 District Collector, Nizamabad District
4 Government of Andhra Pradesh, rep by Secretary to Governemnt,
Revenue Department, Secretariat, Hyderabad

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction or Writ specially one in the nature of Writ of Mandamus directing Respondent No.1 to Mutate the name of petitioner in Revenue Records as owner and pattedar in respect of land of Ac. O-81/2 gts. in Sy. No. 479 Ac. O-09 1/2 Gts in Sy No. 480, and ac. O-38 Gts. In Sy. No. 503 i.e. total Ac. 1-16 gts., and issue pass book accordingly declaring in-action of Respondent No.1 on the representation of petitioner dated 2-1-2004 in this regard as un-reasonable and illegal.

Counsel for the Petitioner :MR.A.BICHAIAH

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner is resident of Durki Village, Birkur Mandal of Nizamabad District. She alleges that she is in possession of small extents of lands in Survey Nos.479, 480, 503. She also alleges that the lands are classified in the Revenue records as *inam* lands, but there is no claimant for these lands for occupancy right certificates. Therefore, she approached the Mandal Revenue Officer, the first respondent herein to mutate her name and issue pattadar pass book and title deed, in vain. Therefore, she filed the present Writ Petition seeking a direction to the first respondent to dispose of her application.

To seek mutation in Revenue records or to seek pattadar pass book and title deed under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1973, a person has to show title to the land either by way of succession or by alienation. The petitioner is allegedly in occupation of the lands and therefore, she cannot seek any mutation. Further, her application cannot be treated as one for issue of pattadar pass book and title deed. Be that as it is, as the application has been pending before the first respondent since January 2000, it would be appropriate to direct the first respondent to dispose of the application and pass appropriate orders under law within a period of eight (8) weeks from the date of receipt of a copy of this order. As and when he passes orders, liberty is given to the petitioner to file appropriate appeal before the Revenue Divisional Officer, the second respondent. It is made clear that if the petitioner is eligible for assignment of land as landless poor person, then only her case will be considered for assignment.

The Writ Petition, with the above observations, is disposed of.

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(V.V.S.RAO, J)

Date : AUGUST 04, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Birkur Mandal, Nizamabad District
2 The Revenue Divisional Officer, Bodhan, Nizamabad District
3 The District Collector, Nizamabad District
4 The Secretary, Revenue Department, Government of

Andhra Pradesh, Secretariat, Hyderabad

5 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

6 Two CD copies.